COUNTY OF LOS ANGELES - SHERIFF'S DEPARTMENT

INTERNAL AFFAIRS BUREAU INVESTIGATIVE REPORT

FILE NO. **091-33688-1335-011**

Date: **September 9, 1991**

EMPLOYEES
INVOLVED: **/Jackson, Daniel K., #[redacted]**
/Maroun, Stephen J., #[redacted]
5Fabrega, Juan J., #[redacted]
Narcotics Bureau
Detective Division

COMPLAINANT: **Porfirio Avila**

CHARACTER OF CASE: **Officer Involved Shooting, Suspect Deceased.**

LOCATION: [redacted] **Gardenia Avenue, Apartment** [redacted]**, Long Beach**

REFERENCE: **Paul E. Myron, Chief**
Detective Division

INVESTIGATOR: **Ray Marlett, Sergeant**
Internal Affairs Bureau

SYNOPSIS: **On July 29, 1991, deputies from the Narcotics Bureau, assigned to Norwalk Station were serving a search warrant at [redacted] Gardenia Avenue in the City of Long Beach. As they entered the Suspect's apartment, He pointed a semi-automatic pistol at the first deputy to enter the residence. The three deputies who had entered the apartment fired several rounds, striking the suspect several times. The Suspect, Porfirio Avila, MH/22 expired at 0515 hours on July 30, 1991 at the hospital.**

SUBMITTED BY: **Jerry Conklin, Captain**
Internal Affairs Bureau

REFERRED FOR RECOMMENDATION: **Paul E. Myron, Chief**
Detective Division

COPIES TO: **Paul E. Myron, Chief**
Detective Division

FILE

STATUS OF EMPLOYEES: **Continuing on Duty**

SUMMARY OF INCIDENT

Deputy Maroun of the Narcotics Bureau, assigned to Norwalk Station, had developed information that a female known only by the name of "[redacted]", who resides at [redacted] Gardenia Avenue apartment [redacted], in the City of Long Beach, was selling Heroin. Deputy Maroun arranged to have an undercover Narcotics Deputy, Deputy Chavez, purchase heroin from [redacted].

On July 25, 1991 at 1600 hours, Deputy Chavez, who was outfitted with a body wire, and Deputies Vasquez, Robles, and Maroun went to [redacted] apartment to purchase Heroin. While at the location, Chavez purchased heroin from Suspect Avila. Following this transaction, a search warrant was obtained for the location.

On July 29, 1991, Sergeant Fabrega, the supervisor of the Norwalk Narcotics crew, along with Deputies Jackson, Maroun, Chavez, and Robles went to the Gardenia Avenue address to serve the search warrant. Deputy Chavez first entered Apartment [redacted] to purchase more heroin. It had previously been arranged that following this transaction, deputies would enter apartment [redacted] and serve the search warrant. As Chavez was exiting the apartment, to the east of the doorway he saw Deputies Jackson, Maroun, and Sergeant Fabrega poised to make entry into the apartment. Chavez pushed the door open and Jackson, followed by Maroun and Fabrega rushed into the apartment.

As Jackson entered the apartment, (Exhibit A), he identified himself as a Deputy Sheriff and advised the occupants he was there to serve a search warrant. He moved to his left and as he did so, saw Suspect Avila, raise and point a pistol at him. Jackson immediately pointed his weapon at the suspect and began firing. He fell to the floor in an attempt to avoid being struck by any rounds that he anticipated the suspect would fire, and continued to shoot at the suspect until his weapon was empty. Deputy Maroun, who had followed Jackson into the apartment, saw Jackson fall to the floor and believed that he had been shot by the suspect. Maroun then moved toward Jackson and fired five rounds at the suspect. Sergeant Fabrega followed Maroun into the apartment and saw both deputies fall to the floor, and believed that the suspect had shot one or both of them. He moved to where he saw the suspect sitting on the hall way floor and then fired one round at him.

Suspect Avila was struck numerous times by the gunfire. He was transported to the hospital where he died several hours later.

\ RED

COUNTY OF LOS A GELES - SHERIFF'S DEPARTME - SUPPLEMENTARY REPORT

DATE JULY 29, 1991 **FILE NO.** 091-33688-1399-055

C- SALES OF HEROIN - 11352H&S/ POSSESSION OF HEROIN FOR SALES - 11351H&S/ADW ON A POLICE OFFICER - 245(A)2 P.C./OFFICER INVOLVED SHOOTING

Action Taken ACTIVE/INVESTIGATION MADE/EVIDENCE HELD/ CC #91-06943

V- **LISTED BELOW**

D- 07-29-91, 1805 HOURS

L- [redacted] GARDENIA AVENUE, APARTMENT [redacted], LONG BEACH

S- **AVILA, PORFIRIO BARCENAS MH/22,** DOB: 06-14-69
TRUE NAME: **BENITEZ, URIEL MARTIN**
CII: [redacted]

VICTIMS:

#1 FABREGA, JUAN SERGEANT
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
NARCOTICS BUREAU, NORWALK SHERIFF'S STATION

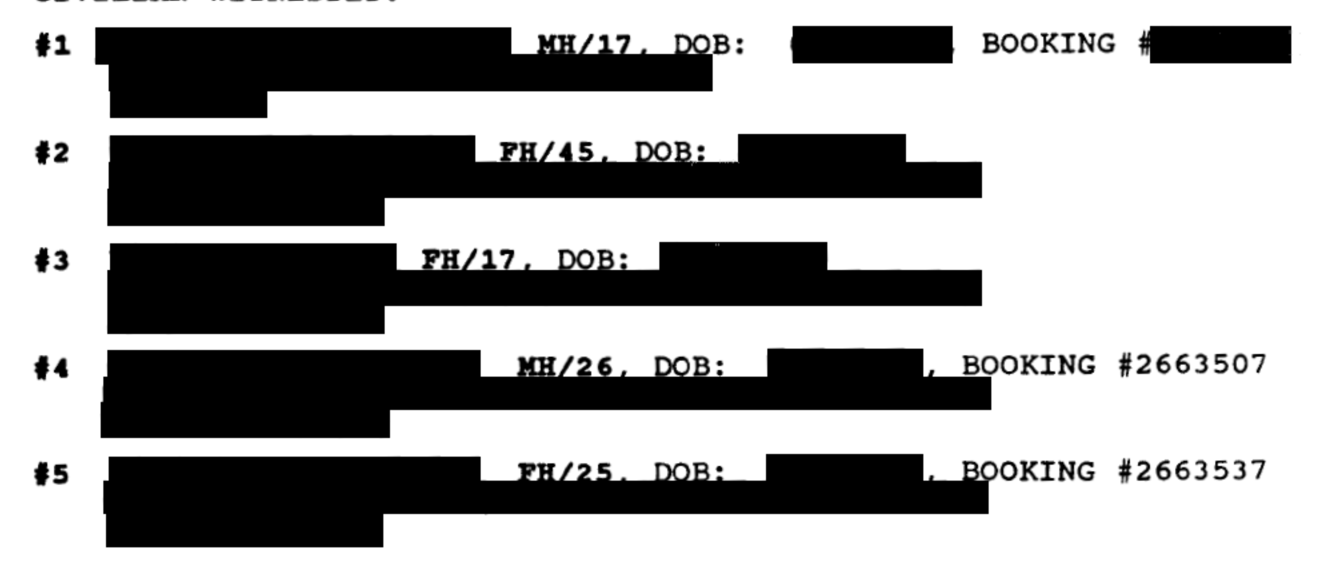
#2 MAROUN, STEVE DEPUTY
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
NARCOTICS BUREAU, NORWALK SHERIFF'S STATION

#3 JACKSON, DANIEL DEPUTY
LOS ANGELES COUNTY SHERIFF'S DEPARTMENT
NARCOTICS BUREAU, NORWALK SHERIFF'S STATION

SWORN WITNESS:

#1 DEPUTY JOSE ROBLES M/39, #[redacted]
HEADQUARTERS NARCO, NORWALK SHERIFF'S STATION
(213) 863-8711

CIVILIAN WITNESSES:



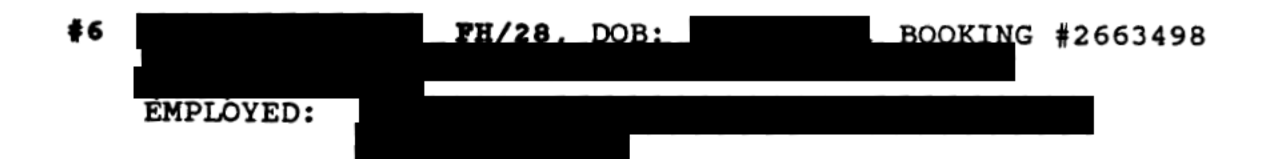
#1 [redacted] **MH/17,** DOB: [redacted], BOOKING #[redacted]
[redacted]

#2 [redacted] **FH/45,** DOB: [redacted]

#3 [redacted] **FH/17,** DOB: [redacted]

#4 [redacted] **MH/26,** DOB: [redacted], BOOKING #2663507
[redacted]

#5 [redacted] **FH/25,** DOB: [redacted], BOOKING #2663537
[redacted]


#6 [redacted] FH/28, DOB: [redacted] BOOKING #2663498
[redacted]
EMPLOYED: [redacted]

EVIDENCE HELD:

Item # 1 - One lead projectile.

Item # 2 - One expended shell casing, 9mm.

Item # 3 - One expended shell casing, 9mm.

Item # 4 - One expended shell casing, 9mm.

Item # 5 - One expended shell casing, 9mm.

Item # 6 - One expended shell casing, 9mm.

Item # 7 - One expended shell casing, 9mm.

Item # 8 - One expended shell casing, 9mm.

Item # 9 - One expended shell casing, 9mm.

Item #10 - One expended shell casing, 9mm.

Item #11 - One expended shell casing, 9mm.

Item #12 - Three expended shell casings, 9mm.

Item #13 - One expended shell casing, 9mm.

Item #14 - One expended shell casing, 9mm.

Item #15 - One expended shell casing, 9mm.

Item #16 - One copper jacket.

Item #17 - Two expended bullets, lead fragments and lead copper jacket.

Item #18 - One expended shell casing, 9mm.

Item #19 - One "Browning", semi-automatic, .380 caliber pistol, chrome in color with wood grips, Serial # [redacted], containing six live rounds in the magazine and none in the chamber.

Item #20 - Lead fragments.

Item #21 - Lead projectile with copper jacket.

Item #22 - Lead projectile with copper jacket.

Item #23 - One copper jacket.

Item #24 - Non-evidentiary metal fragments from heater.

Item #25 - $40 in U.S. currency and $1.40 in U.S. coins. (Taken by Narcotics Bureau.)

Item #26 - Two expended casings, 9mm.

Item #27 - One expended projectile.

Item #28 - One expended casing, 9mm.

Item #29 - A bindle of tar heroin. (Taken by Narcotics Bureau.)

Item #30 - One black short sleeve men's shirt, size small, brand "Expresso", and a white men's undershirt with blood.

Item #31 - Two clear plastic baggies containing projectile fragments which were removed from the suspect at St. Mary's Hospital.

****

At approximately 1820 hours on 07-29-91, Investigators were detailed from their respective residences to respond to the location to investigate an officer involved shooting.

Investigators arrived at the location and contacted Deputies **B. HALL**, #[redacted], and **P. GALLEGOS**, #[redacted], working 138 P.M's., Lakewood Sheriff's Station. Deputy Hall advised Investigators that at approximately 1805 hours, 07-29-91, they received a call of an officer involved shooting at the location.

Upon arriving at the location, they were advised that Narcotic officers from Norwalk Sheriff's Station had been serving search warrants at the location and were involved in an officer involved shooting. The suspect, who was struck by gun fire, was transported to St. Mary's Hospital where he is in critical condition and is currently being operated on.

Deputies Hall and Gallegos will prepare a report of their actions and observations which will be made a permanent part of this file.

Diana Graham from Sheriff's Graphics Arts arrived at the location at 1846 hours to do a to scale drawing of the location and the exact locations of the evidence held. Deputy Ralph Salazar and Joe Williams from Latent Prints, Crime Lab, arrived at the location at 1950 hours to take photographs and prints as indicated by Investigators. Sergeant Ray Marlett from Internal Affairs Bureau arrived at the location at 2000 hours and Sergeant Tom Bradstock from Internal Affairs Bureau arrived at the location at 2018 hours and were walked through the location by Lieutenant Christiansen.

Sergeant R. Spears and Deputy R. Erickson from Sheriff's Information Bureau arrived at the location at 2001 hours to handle press notifications. Deputy District Attorney Steven Licker and Thomas Fillmem arrived at the location at 2017 hours and were walked through the location by Lieutenant Christiansen.

Deputy Dwight Van Horn and Senior Criminalist Richard Catalani from Crime Lab, Firearms Section, arrived at the location at 2130 hours to collect all the firearm evidence and show trajectory of the rounds fired.

Investigators observed the location to be Apartment [redacted] of a [redacted] apartment complex located at [redacted] Gardenia Avenue in the City of Long Beach. Gardenia Avenue is a north/south street with [redacted] Street to the south and [redacted] Street to the north. The apartment complex is located on the [redacted] side and is beige stucco with beige and [redacted] wood trim. There is a 5 foot wide grass parkway on the east side of Gardenia Avenue. East of this parkway is a 5 foot wide sidewalk going north and south. The property line on the west side has a 4 foot 2 inch high wrought iron fence that goes north to south. This fence extends east on both the north and south side of the property line for a short distance. On the south side, this wrought iron fence connects with a wooden fence that continues east along the south property line. On the north side, the wrought iron fence connects with a chain link fence that extends east along the north property line.

On the south side there is a driveway that gives access to the lower level parking area and extends east to an alley at the rear of the location. Evidence Held Item #28 (expended shell casing) was found lying on this driveway directly below Apartment [redacted]. At the rear of the apartment building is an approximately 8 foot high wrought iron fence separating the apartment complex from the alley. There is a sidewalk extending east from the common sidewalk of Gardenia Avenue. This sidewalk extends east to the west side of the apartment complex.

At the west side of the apartment complex, there is 15 stairs extending south to the second story walkway. At the top of these stairs, there is a landing which then extends northbound to the second set of stairs leading to the [redacted] level. Evidence Held Item #1 (lead projectile) was observed on the landing for the second story on the west side of the complex. Going east from this landing, there is a walkway which extends to the rear of the apartment complex and at the rear there is a similar set of steps leading to all [redacted] levels. The walkway extends eastbound giving access to the apartment doors which face south.

As you go east the first apartment you come to is Apartment [redacted]. East of Apartment [redacted], is Apartment [redacted] and east of Apartment [redacted] is Apartment [redacted], which is the apartment where the shooting incident occurred. Evidence Held Item #2 (9mm expended casing) was observed on the walkway southeast of Apartment [redacted]'s entry door. Apartment [redacted]'s door faces south and opens inward into the living room. The door had a bullet hole atop the dead bolt lock device. This bullet hole and dead bolt device were on the west side of the door on the outside. West of the door there is a sliding glass window for the living room of the location. East of the door, there is a second sliding glass window which is for the bedroom of Apartment [redacted].

As you enter the living room and along the east wall, there is a couch. Evidence Held Item #25 (U.S. currency and coins) were found on the south end of this couch. The couch also showed indications of being struck four times by bullets. Directly north of the couch and located on the east wall, there is a wall heater. This wall heater showed indications of being struck approximately three times by bullets. Directly beneath this wall heater, Evidence Held Item #17 (two expended bullets, lead fragments and copper jackets) were found. Continuing along the east wall and north of the heater, there were indications of three bullet holes

in the wall and Evidence Held Item #27 (expended bullet) was found lodged in the baseboard.

Scattered about the floor of the living room were Evidence Held Items #3 through #15 and Evidence Held Item #18 (all of which are expended shell casings). Also on the floor was Evidence Held Item #16 (copper jacket) which was located at the northwest corner of the aforementioned couch. Evidence Held Item #30 (a black shirt and white undershirt) were found lying on the floor in front of the couch. Evidence Held Items #19 ("Browning", semi-automatic, .380 caliber pistol) was on the living room floor north of the couch and wall heater. The weapon was off safe and did not have any rounds in the chamber. There were six live rounds in the magazine. These rounds had the initial "CCI" on the base and were .380 caliber.

As you move counterclockwise around the living room, there was a matching love seat northwest of the aforementioned couch. This love seat shows indications of two bullet holes in the back of the seat. On the west wall and slightly north of the love seat was a small circular dining table with three chairs. South of the table and centered along the west wall, was a large black three cushioned sofa. Evidence Held Item #26 (two expended shell casings) were observed between the cushions. Centered on the south wall, in front of the living room window, was an entertainment center.

The kitchen extended north of the living room on the west side. This kitchen has a rear door which exits onto an enclosed balcony. The kitchen and the balcony are unremarkable as to this incident.

There is a hallway, which extends east from the northeast corner of the living room. The north wall of this hallway shows indications of two bullet strikes. Evidence Held Item #20 (lead fragments), Evidence Held Item #21 (lead projectile with copper jacket) and Evidence Held Item #22 (lead projectile with copper jacket) were observed on the floor of this hallway.

Investigators also observed bloodstains on the carpet beneath the above Evidence Held Items. At the east end of this hall on the north wall, there is a door to a bedroom with a separate bathroom. This bedroom and bathroom appeared to be unremarkable as to this incident. At the conclusion of this hall on the east end, there is a second bathroom and shower. On the east door jamb of the aforementioned bedroom is an indication of a bullet strike and there is also a bullet hole on the north door jamb of the bathroom. These jambs are on the northeast corner of the hall. Evidence Held Item #23 (copper jacket) was observed on the floor of the bath on the east end of this hall. Evidence Held Item #29 (tar heroin) was also found on the floor in this bathroom.

On the southwest end of the hall is an entryway to a second bedroom. The west wall of this bedroom is a common wall with the living room east wall. The door opens inward with hinges on the west wall. This door shows indications of two, through and through, bullet holes. The east door jamb shows indications of a bullet strike and the east wall directly across from the door shows indications of a bullet hole. The wall behind the door shows indications of three, through and through, bullet holes and the back side of the door shows indications of three bullet holes. Evidence Held Item #24 (metal fragments) were observed on the

floor between the east wall and the back side of the door. These metal fragments appeared to be from the wall heater and were not taken.

On 07-29-91 at 2225 hours, at Lakewood Sheriff's Station, Investigators interviewed the undercover deputy, who was involved in the purchase of one gram of tar heroin on Thursday and he again purchased one gram of tar heroin on Monday, 07-29-91 at approximately 1800 hours, at the location of [redacted] Gardenia Avenue, Apartment [redacted], Long Beach. The undercover deputy's actions and observations during these purchases at this location are in his supplementary report under file #491-16934-0499-181. A copy of the undercover deputy's supplementary report will be made a permanent part of this file.

Prior to Investigators interview with the undercover deputy, photographs were taken of all individuals who were at the location in Apartment [redacted] during the time of the shooting incident. These photographs were Polaroid and they were numbered 1 through 11. Polaroid photographs #2, #3, and #4 are of three male individuals who were at an apartment complex directly above Apartment [redacted]. This apartment complex is number [redacted]. The individuals in Apartment [redacted] were connected with the individuals in Apartment [redacted] on prior drug buys at this location. The photographs only mentioned for Apartment [redacted] will be photographs #1, #5, #6, #7, #8, #9, #10, and #11. The undercover deputy, after numbering these photos with the identification of each individuals name written on the back, was able to identify the photos as to placing these persons in different positions in Apartment [redacted] at the time of the shooting incident.

The following is the position and numbers of the photos of the individuals at Apartment [redacted] at the time of the incident: Photo #5 identified as [redacted] who was standing in the kitchen area at the location. Photograph #6, [redacted], was sitting on the north end of the couch, which was against the west wall in the living room area. Photograph #7, identified as [redacted], was sitting on the south armrest of the couch, which was against the east wall in the living room area. Photograph #8, identified as [redacted], was in the kitchen and patio area of the location. Photograph #9, [redacted], was in the kitchen and patio area of the location. Photograph #10, [redacted], was in the kitchen and patio area of the location. Photograph #11, [redacted], was in the kitchen and patio area of the location. Suspect Porfirio Avila, DOB: 04-23-69, was sitting and standing in the area of the south end of the west couch, which was in the living room. (Suspect presently at St. Mary's Hospital in critical condition.) Photograph #1, identified as [redacted], was positioned on the north end of the couch, which was against the east living room wall.

The following is a statement by the undercover deputy as to his actions and observations, just prior to and after the time of the shooting incident, which occurred at the location in Apartment [redacted]:

> After I finalized the sale of the one gram of tar heroin, I told the occupants of Apartment [redacted] that I would return shortly. I opened the door of Apartment [redacted]. I was backing out of it, closing the door with my right hand. I looked over my right shoulder and saw Deputy Jackson, Sergeant Fabrega, Deputies Maroun and

Ramirez just east of Apartment door [redacted]. I remember after being in the apartment that after anybody left the apartment, somebody would immediately lock the door and put the chain on the door. Being that the deputies were already at the door, I pushed the door open and then gave it a kick with my right foot. At that time, Deputy Jackson shouted out, "Sheriff's Department, we have a search warrant." All four deputies proceeded to enter Apartment [redacted]. I took three steps away from the door, going west on the walkway when I heard the first shots. I don't know how many there were. I dropped to the ground, retrieved my handgun to cover on the wall just west of the door of Apartment [redacted].

After the shots stopped, I entered the location and I assisted Deputy Ramirez in detaining the people that were in the living room of Apartment [redacted]. After I re-entered the location of Apartment [redacted], I observed [redacted] (Photograph #1) lying on his stomach from east to west, his head being toward the west with his hands behind his back. I saw that he was on the floor. I saw [redacted] (Picture #5) in the kitchen area crouched down in a fetal position and on the floor of the east wall. I saw [redacted] (Picture #6) lying on his stomach on the floor in the living room area from east to west, his head being towards the west with his hands behind his back, not handcuffed.

I saw [redacted] (Picture #7) crouched down in a fetal position behind the entry door next to the sofa in the apartment. I saw [redacted] (Picture #8) crouched down in the kitchen area in a fetal position along the east wall. I saw [redacted] (Picture #9) crouched down in a fetal position along the same east wall of the kitchen. I saw [redacted] (Picture #10) crouched down between [redacted] and [redacted] in the kitchen. I saw [redacted] (Picture #11) crouched down in a fetal position next to [redacted]. I also saw Suspect Porfirio Avila lying on his side in the hallway area of the apartment, head being towards the east.

The undercover deputy advised Investigators that he was in error when stating Deputy Ramirez was at the location. He stated that this person was, in fact, Deputy Robles.

On 07-30-91 at 0025 hours, at Lakewood Sheriff's Station, Investigators interviewed Sergeant **JUAN FABREGA**, #[redacted]. The following is a statement by Sergeant Fabrega as to the incident that occurred at the location of [redacted] Gardenia Avenue, Apartment [redacted], at the time of the shooting incident:

We were at the location conducting a narcotics buy for the purpose of serving a search warrant at the location. Our undercover had made a narcotics transaction and we had monitored him on a wire. As he was exiting the location, we were walking west on the second floor, approaching Apartment [redacted]. We were all in Department issued raid jackets, wearing vests, all

armed with Department issued weapons. We also had a search warrant for Apartment [redacted].

As we were approaching the door to Apartment [redacted], the undercover exited the apartment. We then entered the apartment, Deputy Jackson yelled out, "Sheriff's Department, search warrant." As Deputy Jackson entered the apartment, he took two steps into it and was facing a suspect, who was northwest in the living room. Deputy Jackson started firing rounds at that suspect in that direction. I heard approximately 10 to 12 shots fired by Deputy Jackson. Deputy Maroun, who had entered the apartment behind Deputy Jackson, also fired two to three rounds in the direction towards the hallway.

As I entered the apartment through the front door, I saw that Deputy Jackson had stumbled back. Thinking that he had been shot by the suspect, who was in the hallway, I ran to his aid. As I passed the hallway, I saw the suspect, who was sitting on the floor. Thinking that he was armed, I shot one round at him in the defense of Deputy Jackson's life. I then realized that Deputy Jackson had not been hit, but had stumbled. The suspect was laying on the floor and the gun was now approximately two to three feet away from him (suspect).

There were other people in the apartment who stood there motionless and did not make any threats or any movement towards us. We then contained the situation and detained everyone there. I saw the suspect was bleeding on the floor. He (suspect) appeared to have three to four wounds on the lower part of his body, he was yelling for help. We then assisted him and I notified paramedics, via 9-1-1. I advised the local Long Beach Police Department that we had one suspect down and we needed paramedics to our location. He was treated by paramedics and transported to a local hospital for medical treatment.

The suspect had a small caliber, stainless steel, semi-automatic pistol, that was found by his body. There was no one else in the hallway and no one else in both bedrooms or bathroom that could have possibly thrown or placed the weapon there. After the shooting, there were approximately five to seven people in the apartment detained by deputies. I picked up the handgun, fearing that one of the suspects being detained within the apartment would pick up the weapon. I placed the gun in my left front pocket. The weapon was then later placed in its original position. I didn't check to see if the gun was loaded or had been fired.

The shooting that occurred within the apartment, occurred so fast, that I was unable to give a description of who was where in the apartment. After the shooting, I realized there were approximately five to seven within that room that were being detained.

On 07-30-91 at 0050 hours, Investigators interviewed Deputy **DANIEL JACKSON**, #[redacted]. The following is a statement by Deputy Jackson as to his actions and observations at the time of the incident, which occurred at [redacted] Gardenia Avenue, Apartment [redacted], Long Beach.

At approximately 1805 hours, today, I went with the members of Norwalk Narcotics Crew to conduct a undercover buy of heroin from the location of Apartment [redacted]. After our undercover had went into the Apartment [redacted], we had received information the buy had in fact went down and we were then going to serve a search warrant at Apartment [redacted]. After the undercover had exited, I was the first person to get to the front door of Apartment [redacted]. As I was getting to the front door, the undercover had opened the door to Apartment [redacted], stepped out, pushing the door wide open.

As I looked into Apartment [redacted] at that time, I saw an individual just inside the front door of the living room, which is depicted in Photograph #1 ([redacted]). I identified myself as Deputy Sheriff, Sheriff's Department, search warrant. I was also wearing, along with the rest of the crew, a green and yellow nylon Sheriff's jacket. I then stepped inside the room. I saw and heard several people in the living room area getting up and running to various locations of the apartment. The individual depicted in Photograph #7 ([redacted]), who was in the living room, took off running for the kitchen.

I was about two or three steps inside the living room. I saw in the northeast corner of the living room, by the hallway that leads back to the bathrooms and bedrooms, an individual who was slightly bent at the knee and crouched, reaching behind his back and waistband area. Believing that he (suspect) was arming himself, I yelled to him, "Mas ariba, mas ariba, get your hands up, get your hands up" and "to freeze." When his hands came up in front of him, his right hand had a silver handgun in it. He was still crouched and he was bringing the handgun up towards his chest, pointing it at my direction and going into a two hand shooting stance. I was inches away from the individual I first saw, [redacted], inside the living room. The individual with the gun was bringing his gun in a two handed shooting stance, what appeared to be his eye level, pointed directly at me. [redacted] was standing next to me, I hit him in the chest with my left hand, knocking him down and out of the path of, what I believed was going to be, a round fired by the individual. I then fired, what I think was, two to four rounds at the individual that was pointing the gun at me.

The individual appeared like someone hit him in the stomach and his left shoulder fell up against the corner of the living room and the hallway wall. He was holding the gun with a two hand grip, still pointing it at me, and his knees were still bent. He was still in a two handed stance, but it looked like someone had hit him in the stomach. I then was probably about four to

five feet away and all I could see was his gun in my face and I felt that this was not the place for me to be. So I dropped down on my left knee, trying to move my head out of the way of his gun and started firing again, yelling at him all the time, "Drop the gun, drop the gun."

After, I don't know how many shots, he fell to the floor in the hallway on his butt. His left hand dropped down, as to brace his fall. As he went down and hit the floor, the gun, which was still in his right hand, temporarily pointed down towards the floor and as soon as it came to a rest on the floor in a sitting position with his legs straight out in front of him. The gun came back up in his right hand, pointed at me again, I then continued firing until I expended the remainder of my 16 rounds that I had in my gun. I then dropped the magazine out of my gun and then reloaded. He fell back and dropped the gun by his side and he fell back on his side and did not come back up.

I then saw, during this whole incident, that the individual [redacted] (Photograph #7) had, in fact, continued running towards the kitchen through the back door of the patio. She was now coming back in the kitchen and that's where I focused my attention. As she came in, there were two other females that came in with her. They were depicted in Photographs #8 ([redacted]) and #9 ([redacted]). They also came in with two children, depicted in Photographs #10 ([redacted]) and #11 ([redacted]), from the back patio/balcony area. I detained them, ordered them down on their knees in the kitchen area, put their hands on their heads and detained them until assisting deputies were able to handcuff everybody. We then escorted them outside.

During the shooting incident, I recalled Deputy Maroun, who was behind me and Sergeant Fabrega, who was behind Deputy Maroun, were in the room and were slightly behind to my right during this entire incident in the living room. I don't recall them firing their weapons. At that point shortly thereafter, we put in a request for assistance to the Long Beach Police Department. Paramedics arrived and administered aid to the suspect. I did not exam the suspect's weapon.

On 07-30-91 at approximately 0125 hours, at Lakewood Sheriff's Station, Investigators interviewed Deputy **STEVE MAROUN**, #[redacted]. The following is a statement by Deputy Maroun as to his [redacted] and observations at the time of incident at Apartment [redacted], Long Beach.

I was at that location in order to serve a search warrant for which I was the investigating officer. An undercover officer was at the location and he had just made a purchase of tar heroin from a person inside the location. Once the purchase was made, the undercover officer advised us (there was a monitor in our van) that the purchase was made and he had walked away from the location. At this time, myself and other members of the Sheriff's Narcotics Detail, assigned to Norwalk

Sheriff's Station, approached the location. The undercover walked away from the location and looked in our direction, saw us coming and turned back toward the location and was able to get the door open.

Deputy Jackson, assisting us in the service of the search warrant, was in front of me, approximately 10 to 15 feet. As Deputy Jackson approached the door, I heard him yell, "Sheriff's Department, search warrant", several times. Deputy Jackson then entered the location and I was immediately behind him. As I turned to enter the location, I noticed Deputy Jackson inside the living room, which would be the west area of the location. Deputy Jackson had his gun trained at the east side of the location, which would be the hallway. I heard Deputy Jackson yell, "A gun" and hands up in Spanish, "Manos ariba." I looked to my right and I noticed a suspect holding a chrome or stainless steel, semi-automatic pistol in both hands.

At this time, Deputy Jackson fired several rounds at the suspect and I noticed that Deputy Jackson went down. I did not know if the suspect had returned fire at Deputy Jackson. Fearing for my safety and Deputy Jackson had gone down, I fired several rounds from my Department issued semi-automatic pistol. At this point, Deputy Jackson was able to recover and fired several more rounds at the suspect. At this point, I heard somebody say, I believe it was Deputy Jackson, say, "He's down, he's down."

The other individuals at the location were able to get down on the floor. We then cleared the location and did not find any additional suspects at the rear of the house. I then proceeded to handcuff the suspect and Sergeant Fabrega picked up the gun, saying that he's got the gun (suspect's). Sergeant Fabrega was right behind me and I did hear a round or two fired from behind me at the time of the incident. Later I learned Sergeant Fabrega fired several rounds.

I noticed when I handcuffed the suspect, the gun was lying next to him on the floor. I handcuffed him in front. It appeared that the suspect was wounded and there was blood where he was lying in the east side of the hallway at the location. Paramedics arrived and the suspect was transported to a hospital in Long Beach.

I remember several individuals in the living room and in the kitchen at the time of the shooting. I do not remember what they were doing at the time of the incident.

Investigators examined Deputy Steve Maroun's service weapon, Beretta 92F, Serial #BER034385Z. Deputy Maroun stated that he carries 15 live rounds in the magazine and one live round in the chamber, with a total of 16 rounds in the weapon. Deputy Maroun's weapon had one live round in the chamber and 10 live rounds in the magazine. Deputy Maroun's weapon indicated that he had fired five rounds during this incident.

Investigators examined Sergeant Juan Fabrega's service weapon, Beretta 92F, Serial #BER030626Z. Sergeant Fabrega stated that he carries one live round in the chamber and 15 live rounds in the weapon's magazine. Sergeant Fabrega's weapon had one live round in the chamber and 14 live rounds in the magazine. Sergeant Fabrega's weapon indicated that he had fired one round during this incident.

Investigators examined Deputy Daniel Jackson's service weapon, Beretta 92F, Serial #BER008979Z. Deputy Jackson indicated that he carried his weapon with 15 rounds in the magazine and one live round in the chamber. Deputy Jackson stated that he fired all of his rounds from one magazine and reloaded a new magazine into his weapon. Investigators found that the weapon's chamber was empty and there was a full magazine containing 15 rounds. Deputy Jackson's additional magazine was empty. Deputy Jackson's weapon indicated that he had fired 16 rounds at the time of this incident.

Investigators observed that all rounds contained in the deputies' weapons consisted of Departmentally authorized and issued ammunition.

These weapons were taken to Los Angeles County Sheriff's Department, Criminalistics Laboratory, Firearms Section, for examination and test firing.

On 07-30-91 at approximately 0140 hours, Investigators interviewed Deputy **JOSE ROBLES**, #[redacted]. The following is a statement by Deputy Robles as to the incident that occurred on 07-29-91 at 1805 hours, at Apartment [redacted].

> On the date indicated, we were at the address on Gardenia Avenue and were doing a follow-up and further investigation of a controlled buy situation. We were armed with a search warrant and as part of the operation plans, we were there to make additional purchases of narcotics and confirm that the primary suspect, [redacted], had been able to procure an ounce of heroin. We used an undercover deputy and he went into Apartment [redacted] and contacted the primary suspect, [redacted]. The undercover deputy was wearing a wire and I was monitoring the wire, because most of the language spoken inside the location was Spanish.
>
> During the course of the conversation with the suspect, there were several male voices, as well as other woman's voices, overheard on the wire. From my position, I was able to see a lot of foot traffic between the [redacted] floor, where Apartment [redacted] was located, and the [redacted] floor, where Apartment [redacted] was located. There was a lot of foot traffic between Apartments [redacted] and [redacted]. Another deputy in another position was able to confirm that this foot traffic was, in fact, between Apartments [redacted] and [redacted].
>
> While monitoring the tape, we heard mention of the words "white" and "grams" or "grammas" in Spanish. This indicated to us the presence of narcotics inside the location and that we were going to find narcotics there when we did serve the search warrant. Based on

the conversation, we elected to go ahead and serve the search warrant when the undercover officer was outside the house. This was confirmed by the secondary "eye" on Apartment [redacted], who had let us know that the undercover officer was outside.

We proceeded to get out of our vehicle and approach Apartment [redacted]. I was assigned to Apartment [redacted] and three other deputies were assigned to Apartment [redacted]. We were all wearing our raid jackets, which were green in color and having the Sheriff's emblem and insignia clearly placed on them. As I got on the [redacted] floor, I saw that in front of me were Deputies Jackson, Maroun and Sergeant Fabrega. The first thing I recall was that the door was open and I heard Deputy Jackson say, "Sheriff's Department. We have a search warrant." The next thing I knew, shots were fired. I don't recall how many, but I quickened my pace to approach the door. By this time, entry had been made by the additional officers.

During the course of my coming into the door, I heard someone say, "Put your hands up" repeatedly and more shots were fired. I entered and the first thing I saw was a gentlemen, depicted in Photograph #1 ([redacted]), sitting on the couch to the immediate west in the living room of the apartment. Also in that living room was a second male, Photographed #7 ([redacted]), was seated in a love seat or couch on the north side of the living room that divided the living room from the kitchen.

In the kitchen I saw there were four females and two small children. I don't recall if this came to focus first or if I noticed the suspect, who by this time was on the ground in the hallway. I was approaching and moving all the time. I saw the suspect, and I don't recall his name, and I observed bloodstains on his pants and he was moving. I also noticed at this time that there was a white metal pistol on the floor to the immediate west of the suspect. The suspect was in a supine position with his head facing east.

With the backup of Deputy Maroun, I proceeded into the hallway. We checked the bedroom on the north side, the bathroom immediately behind the suspect, who was on the hallway floor. We found no additional suspects.

On 07-29-91 at 2355 hours, Investigators interviewed Witness #1, [redacted], at Lakewood Sheriff's Station. This interview was conducted using the offices of Deputy Delores Perales, #[redacted], currently assigned to Headquarters Narcotics Bureau, Industry Sheriff's Station, as an interpreter, as Witness [redacted] speaks no English.

Investigators advised Witness [redacted] why we were there and the fact that we wanted to question him about the shooting incident that occurred in Apartment [redacted] at [redacted] North Gardenia Avenue, Long Beach. He stated essentially the following:

Everybody was in the apartment and doesn't remember seeing or hearing anything before the deputies entered the door. He said that four deputies entered through the front door, which faces to the south and is located on the south wall of the residence. As all four deputies entered the location, he saw that they were all wearing green raid jackets with the Sheriff's logo on the front. He said as they entered, he was standing alongside his sofa in the living room on the west wall.

He continued by saying that he knew that his [redacted] (suspect) had a gun in his waistband, but didn't know why he was carrying the gun. He said as the deputies entered the location, he got scared and ran towards the hallway, which is located on the east side of the living room. He said that as he ran towards the hallway, his back was towards his [redacted], so he didn't see whether or not his [redacted] pulled his gun out of his waistband. He said that he was between the living room and the first bedroom (southeast bedroom) when he heard gunshots. He said he heard approximately 10 to 12 shots. He said as soon as he heard these shots, he turned around and saw his [redacted] on the floor and then he put his hands in the air. He said he saw his [redacted] laying in the hallway floor, adjacent to the bedroom door that accesses the northeast bedroom of the apartment.

He said he was standing in the doorway that accesses the southeast bedroom. He said that after the initial 10 to 12 shots, he didn't hear anymore rounds being fired. He said he finally realized the people that entered the location were police, after he was proned out onto the floor and turned and got a closer look at the deputies. He said he didn't see who fired first and again stated he didn't see a gun in his [redacted] hand, because he was running to the hallway and his back was to his [redacted].

He said that when he turned and looked at his [redacted], who was laying on the hallway floor, that he did not see a gun in his [redacted] hand and he assumed that it was still in his waistband. He again reiterated that he knew that his [redacted] had a gun, but didn't know why. He said that his [redacted] had bought this gun approximately 20 to 30 days ago, but didn't know where he had purchased it. His [redacted] had shown him the gun, but didn't tell him where he had bought it.

On 07-30-91 at 0155 hours, Investigators interviewed [redacted] (Witness #2) at Lakewood Sheriff's Station. This interview was conducted with Deputy Delores Perales, #[redacted], as interpreter, as Witness [redacted] speaks no English. Investigators asked Witness [redacted] to give her statement of what she had seen and heard at the location on Gardenia Avenue.

She immediately stated that she did not see anything happen, due to the fact that she was outside on the patio, which is on the exterior end to the north side of the residence. She said she heard lots of gun fire going off and then she heard the two babies ([redacted], MH/DOB: [redacted], and [redacted], FH/DOB: [redacted]) start to cry. She said the two children were outside on the patio with her. She continued by saying that she didn't hear anybody yell anything, prior to the gunshots inside the location, as again, she was outside the location and the door that accesses the kitchen area from this patio was closed. She said she was outside on the patio with Witness #3 ([redacted]) and the two children ([redacted]). She said that after the

rounds were fired, an officer went to a bedroom window, looked out onto the patio and instructed all of them to come into the house.

She said that when she got into the house, she saw Witness #4 ([redacted]) proned out on the living room floor, along with Witness #1 ([redacted]). She closed her statement by saying that she never saw anyone being shot inside the location and never saw any guns inside the location.

On 07-30-91 at 0210 hours, Investigators interviewed Witness #3, [redacted], FH/17. This interview was conducted with Deputy Delores Perales, #[redacted], as interpreter, as Witness [redacted] speaks no English. She stated essentially the following:

She was outside on the patio area to the north of the kitchen to the residence, dying her [redacted] (Witness [redacted]) hair. She said that she was on the patio with her [redacted] and the two children ([redacted]) and [redacted] (Witness #6). She said that while dying her [redacted] hair, she suddenly heard a number of gunshots from inside the apartment. She said that just before the guns started going off, [redacted] came out of the house and told her to get the kids, because there was a problem in the apartment and not to get scared.

After the shooting stopped, she said an officer came to a bedroom window and told all the persons, including herself, that were on the patio to go in the apartment. She said that they were all met at the kitchen door by an unknown deputy. She and [redacted] were then handcuffed. She said she did not see anyone get shot inside the apartment and did not know who was doing the shooting. She said that after being told to enter the apartment from the patio, she saw an unknown person being carried out. She said she saw approximately six police officers in the apartment either wearing green raid jackets or uniforms.

On 07-30-91 at 0230 hours, Investigators contacted Witness #4, [redacted], MH/26, at Lakewood Sheriff's Station. This interview was conducted with Deputy Delores Perales, #[redacted], as interpreter, as Witness [redacted] speaks no English. Investigators asked Witness [redacted] to give us an account of what he had seen and heard during the incident under investigation.

He said he was standing in the front room of the location when he heard the front door slam open. He continued that the door was pushed open by an individual he described as a police officer. Investigators asked him how he knew this person was a police officer and he said that the person who had pushed the door open was wearing a green nylon jacket with Sheriff's markings on the front. He said that as the door was pushed open, the first person in the door began screaming at the persons inside, but because he does not speak English, he did not understand what they were saying.

He said that as the door was pushed open, he saw that the person who had pushed the door open was a police officer and as soon as he saw this, he was pushed towards the west portion of the living room by the first officer in the house. He said he fell onto the couch, which was along the west wall of the living room. He said as he was pushed onto the couch, he immediately heard gun fire inside the living room of the location. As he looked up, he saw two officers shooting at an unknown male, who was standing at the

entrance to the hallway of the location. This hallway is located on the east side of the living room and accesses two bedrooms and a bathroom on the east side of the residence.

He said that the officers were standing in the approximate center of the living room. He said that the shooting happened so fast, that he didn't remember seeing the suspect with a gun. After the shooting had stopped, he was put on the floor by the police and handcuffed.

On 07-30-91 at 0255 hours, Investigators contacted Witness #5, [redacted], FH/25. This interview was conducted with Deputy Delores Perales, #[redacted], as interpreter, as Witness [redacted] speaks no English. Investigators asked Witness [redacted] to give her version of what she saw and heard during this occurrence. She stated essentially the following:

She said, "All I know is, they came in shooting their guns. I was in the living room sitting on the couch along the west wall and heard a knock on the door." She said she went to open the door and, as she opened the door, the door was pushed open from the outside by a police officer and she was trapped.

Investigators asked Witness [redacted] how she knew the persons pushing the door open were police officers and she indicated that she knew they were police officers, because they were wearing green raid jackets. She said as the door opened, she was trapped between the door and the east wall of the living room and she dropped to the floor. She said as soon as she dropped to the floor, she heard gun fire, but didn't see who was shooting. She also indicated that she didn't see who was being shot at. She added that she did not hear any statements made by officers while entering.

She said she heard an unknown number of gunshots and after the shooting, she was taken outside and handcuffed. She said she next saw an individual being carried out by the paramedics. She indicated that she had seen the suspect in the past, but doesn't know who he is and doesn't know his name. She closed by saying that Witness #1 ([redacted]) was a friend of the suspect, but she didn't know who he was.

On 07-30-91 at 0310 hours, Investigators contacted Witness #6, [redacted], at Lakewood Sheriff's Station. This interview was conducted with Deputy Delores Perales, #[redacted], as interpreter, as Witness [redacted] speaks no English. Investigators asked Witness [redacted] to give her account of what she had seen or heard during the incident in question. She stated essentially the following:

She was on the patio with her [redacted], [redacted] (Witness #2), [redacted] (Witness #3) and the two children ([redacted]). She said she was standing in the doorway between the kitchen and the patio and she heard a loud voice yell something in English that she couldn't understand. She said she heard a scream and then she heard gun firing. She said she saw the police shooting and yelling something in English. She doesn't remember hearing anything being said in Spanish.

She said she didn't see who the police were shooting at. She said as soon as the shooting started, she went out to the patio to get the kids. As soon as the shooting stopped, she said she saw a police officer standing at the kitchen door yelling at herself and

the other individuals that were on the patio to come inside the location and get on the floor. She said this officer spoke English and made motions of putting his hands on his head, indicating to them that they should come in and put their hands on their head.

She said upon coming into the house, she was searched and then taken out the front door. She said while sitting on the walkway adjacent to the front door of the apartment, she saw a person being carried out of the residence by the paramedics. She closed by saying that she did not see the suspect shoot at the police and she did not see the police shoot at the suspect, due to the fact that she was on the patio of the location.

On 07-30-91 at 0600 hours, Investigators were advised by the staff of St. Mary's Hospital that Suspect Avila had succumbed to his wounds and was pronounced dead at 0531 hours by Dr. J. Ogden, Staff Physician.

The Los Angeles County Medical Examiner's Office was contacted and issued coroner's case #91-06943.

Investigation to continue with further reports to follow.

BY: INVESTIGATOR ROBERT SNAPPER, #[redacted]
INVESTIGATOR ED FIELDING, #[redacted]
SERGEANT CURTIS ROYER, #[redacted]
INVESTIGATOR MARY BICE, #[redacted]
APPROVED: LIEUTENANT NANCY REID NR
HOMICIDE BUREAU - DETECTIVE DIVISION

TALY/WPII